

IPUS



Docket No.: FUT-0104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masaaki Nagatsu

Application No.: 10/593,325

Confirmation No.: 8431

Filed: September 18, 2006

Art Unit: 1797

For: MICROWAVE PLASMA STERILIZING
METHOD AND DEVICE

Examiner: S. U. Kim

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement made within the Office Action dated May 12, 2009, Applicant, through its representative and attorney, hereby provisionally elect, **with traverse**, the invention of Group II, claims 10-11, for further prosecution.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search of the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP 803 which is stated that "**if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are distinct or independent inventions**" (emphasis added).

Additionally, the Examiner admits that the common technical feature of Groups I and II is microwave-excited volume-wave plasma discharge in the gas for sterilization. Thus Groups I and II relate to a single inventive concept under PCT Rule 13.1. Applicant reserves the right to amend

claims to further include technical features to maintain the unity of invention in response to a potential non-final office action.

Please note that Applicant also reserves the right to file divisional application(s) covering the subject matter of the non-elected Group. Applicant also reserves the right to rejoin the non-elected Group.

Please charge \$130.00 to Deposit Account No. 18-0013 as required under 37 C.F.R. 1.136
(a). If additional costs are required, please treat this as authorization to charge such further costs.

Dated: June 29, 2009

Respectfully submitted,

By


Toshikatsu Imaizumi

Registration No.: 61,648

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant